IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harry Morris et al.
Serial No. : 09/690,007
Filed : October 17, 2000
Title : DISPLAYING ADVERTISEMENTS IN A COMPUTER NETWORK
ENVIRONMENT

Art Unit : 2151
Examiner : Tiv Backhean

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF DECEMBER 28, 2005

In response to the Office action of December 28, 2005, applicant asks that all claims be allowed in view of the following remarks. Claims 1-28, 55-57 and 64-74 are pending, with claims 1, 15 and 55 being independent.

Claims 1-28, 55-57 and 64-74 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Blumenau (U.S. Patent No. 6,108,637) in view of Guyot (U.S. Patent No. 6,119,098) and Moraes (U.S. Patent No. 6,014,502). Applicant respectfully traverses the rejection.

Independent claim 1 recites a method of presenting advertising to viewers in a computer program network environment that includes, among other features, monitoring a viewer's interactions with an associated computer system, determining an amount of time to be used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions, and, based on the determined amount of time, varying an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

Applicant requests reconsideration and withdrawal of the rejection because neither Blumenau, Guyot, Moraes nor any proper combination of the references describes or suggests the subject matter of the independent claims. For example, the references do not describe or suggest determining an amount of time to be used in later displaying advertisements on a viewer's associated computer system based on the viewer's monitored interactions, and, based

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on the determined amount of time, varying an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

The Office action recognizes that "the combination of Blumenau and Guyot did not expressly [describe] varying an amount of display time (duration or length of advertisement display time)." See Office action of December 28, 2005 at page 4. The Office action instead relies on Moraes to describe this feature.

Moraes discloses a system for displaying advertisements on a portion of a user's display terminal while the user interacts with an e-mail system. See Moraes at abstract, col. 13, lines 5-11 and Fig. 8. Moraes discloses two types of advertisements that are displayed – banner advertisements, which are displayed when a user is reading and creating e-mail messages or performing administrative tasks, and showcase advertisements, which are displayed when information is being transferred between a client computer and a server system. See Moraes at col. 13, lines 12-22. The banner advertisement of Moraes is displayed for a predetermined time and in accordance with a schedule that is preset or determined "on-the-fly." See Moraes at col. 13, lines 39-47. The showcase advertisement of Moraes is displayed until it is replaced with a different showcase advertisement after a predetermined time. See Moraes at col. 20, lines 12-15. Statistical information is logged for the advertisements and includes for how long, and at what times, an advertisement was displayed. See Moraes at col. 19, lines 9-17.

Moraes does not describe or suggest varying an amount of time for which an advertisement is displayed based on an amount of time determined based on a viewer's monitored interactions. Rather, instead of displaying an advertisement for an amount of time that is varied, Moraes displays an advertisement for a predetermined amount of time. Furthermore, instead of determining an amount of time to display an advertisement based on a viewer's monitored interactions, Moraes determines the predetermined amount of time that an advertisement is displayed based on a schedule that is preset or determined on-the-fly, without consideration of a user's prior interactions.

As such, Moraes does not remedy the failure of Blumenau and Guyot to describe or suggest determining an amount of time to be used in later displaying advertisements on a

viewer's associated computer system based on the viewer's monitored interactions, and, based on the determined amount of time, varying an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system, as recited in independent claim 1.

Accordingly, neither Blumenau, Guyot, Moraes, nor any proper combination of the references describes or suggests determining an amount of time to be used in later displaying advertisements on a viewer's associated computer system based on the viewer's monitored interactions, and, based on the determined amount of time, varying an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system, as recited in independent claim 1. Applicant therefore submits that the Office action has not properly made a prima facie case of obviousness.

For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of independent claim 1 and its dependent claims 2-12, 64-66, 71 and 72.

Independent claim 15 recites a computer program for presenting advertising to viewers in a computer network environment in a manner corresponding to that of independent claim 1. Accordingly, for at least the reasons described above with respect to independent claim 1, applicant requests reconsideration and withdrawal the § 103(a) rejection of independent claim 15 and its dependent claims 16-28, 67-69 , 73 and 74.

Independent claim 55 recites a method of optimizing a click-through rate of a user viewing content in a computer network environment that includes, among other features, varying an amount of display time for which a later displayed advertisement is to be displayed based on a user's activity with respect to the user's computer. As described above, neither Blumenau, Guyot, Moraes, nor any proper combination of the references describes or suggests varying an amount of display time for which a later displayed advertisement is to be displayed based on a user's activity with respect to the user's computer. For at least this reason, applicant requests reconsideration and withdrawal of the § 103(a) rejection of independent claim 55 and its dependent claims 56, 57 and 70.

Applicant submits that all claims are in condition for allowance.

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It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/28/06

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